

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

*** CRIMINAL DOCKET NO. 09-214**

V.

*** SECTION: "S"**

NORMAN SIMON

a/k/a Norman A. Simon

a/k/a Norman y Acuna Simon

a/k/a Norman Acuna Simon

*** * ***

FACTUAL BASIS

Should this matter have gone to trial, the Government would have proved beyond a reasonable doubt, through the introduction of competent testimony and admissible tangible exhibits, the following facts to support the allegations charged by the Indictment now pending against the defendant:

The Defendant, **NORMAN SIMON** (hereinafter "**SIMON**"), has agreed to plead guilty as charged to the one-count Indictment charging him with making a false statement to a federal agency, in violation of Title 18, United States Code, Section 1001.

An official with United States Citizenship and Immigration Services would testify that United States Citizenship and Immigration Services (hereinafter "**CIS**") was an

agency of the United States Department of Homeland Security within the executive branch of the government of the United States of America. Further, an official with CIS would testify that an alien who wants to adjust his status to that of a lawful resident in the United States, must apply through CIS, which has jurisdiction over such applications. The CIS official would testify that a petition for alien relative (hereinafter “visa petition”) is filed with CIS by the alien’s relative in order for the alien to be eligible for adjustment of status. The CIS official would testify that CIS was responsible for reviewing adjustment of status applications and visa petitions, requesting further documentation to supplement adjustment of status applications and visa petitions, interviewing applicants for adjustment of status and visa petitioners and then deciding whether to grant the visa petition, and ultimately, whether adjust the alien’s status to that of a lawful resident of the United States.

Testimony from a CIS adjudicator and other admissible exhibits would be introduced to prove that on or about April 20, 2009, **SIMON** appeared in the CIS Office in Metairie, in the Eastern District of Louisiana, for an interview concerning his application for adjustment of status and visa petition filed with CIS on or about September 25, 2007. The CIS adjudicator placed **SIMON** under oath and conducted the interview. **SIMON** stated that he had entered into two marriages. **SIMON** said he divorced his first wife, I.A.L., and was presently married to the visa petitioner, J.G.S.

A special agent with the United States Department of Homeland Security, Immigration and Customs Enforcement (hereinafter “ICE”) would testify that it was his duty to investigate potential criminal violations of the federal statutes governing immigration adjudications. The ICE special agent would testify and video evidence would show that after being advised of his *Miranda* rights, **SIMON** agreed to waive those rights and give a statement. **SIMON** stated that he entered into marriages with R.B.D. and R.V.J. while still married to his first wife, I.A.L. He also admitted that he never obtained divorces from either R.B.D. or R.V.J. prior to or after his marriage to J.G.S., the visa petitioner. **SIMON** admitted that he indicated that he had only been married twice, to I.A.L. and J.G.S., on his adjustment of status application packet filed with CIS. The defendant admitted that he knew he was providing false information in the adjustment of status application regarding his marriages.

Further official documents and admissible evidence would show that **SIMON** was

married four times. The documents would show **SIMON** married I.A.L. in 1996, he married R.B.D. in 1997, he was married to R.V.J. in 2002, and he married J.G.S. in 2007.

ROBERT WEIR Special Assistant United States Attorney	Date
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NORMAN SIMON Defendant	Date
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GARY SCHWABE Attorney for Defendant	Date
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